

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 10081 of 2018 (O&M)

Date of decision : 7.5.2018

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Gurjit Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. H.P.S. Ishar, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

Mr. Ranjan Lakhanpal, Advocate for the complainant.

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H. S. Madaan, J.

This is the second application for grant of regular bail filed on behalf of the petitioner Gurjit Singh, an accused in FIR No.14 dated 12.3.2017, under Sections 420/120-B IPC, registered with Police Station Chohla Sahib, District Tarn Taran, the first bail application having been dismissed by this Court vide order dated 9.8.2017.

Briefly stated, the facts of the case as per prosecution version are that petitioner – accused Gurjit Singh had been running a company under name and style of Flying Agro Services Pvt. Ltd. and in garb of that he used to send persons abroad. The purpose of this

company purportedly was to import agricultural machinery for supply to various farmers. Whenever a person intended to go abroad would approach the petitioner; he would show him as employee of the company and thereafter such employee used to be sent to foreign countries for the purpose of inspection of machinery etc. The petitioner – accused managed to obtain visa for such persons at times. Complainant Swaran Singh got in touch with him and the petitioner gave him allurement of sending his son Kuldeep Singh along with his wife Jaswinder Kaur abroad on payment of a sum of Rs.14 lacs. The petitioner had visited house of complainant also. The complainant made initial payment of Rs.1,00,000/- giving him passport of his son and daughter-in-law, besides other documents which was so done in presence of one Gurjant Singh and Gurmail Singh. Kuldeep Singh was shown as employee of the company of the petitioner. In May, 2003, a further sum of Rs.90,000/- was paid to the applicant. Thereafter, petitioner stated that if son and daughter-in-law of complainant wanted to settle abroad, then they should first visit Germany since in that eventuality, it would be easy for them to get visa for Canada. He demanded a sum of Rs.4 lacs for sending them to Germany. Furthermore, petitioner – accused had purchased a Zen car by raising a loan against pension account of complainant and at that time, he also obtained 50 blank signed cheques from the complainant along with 50 blank signed papers. He asked the complainant to keep on paying EMIs of that loan stating that the said amount would be adjusted finally against the agreed sum. However, the petitioner did not keep his promise of sending children of complainant to either

Germany or Canada. Thereafter, the petitioner started saying that the children of complainant would be sent to Korea initially and demanded a sum of Rs.1,00,000/-, which was paid to him by the complainant in February, 2005. Thereafter, petitioner constituted a new firm under the name of Pacific Education Society and demanded a sum of Rs.2 lacs from the complainant for showing him as a member. In the year 2005, another sum of Rs.1,55,000/- was paid but visa for son and daughter-in-law of complainant could not be obtained. Then in December, 2005, a further payment of Rs.48,000/- was made to Shiminder Kaur. Son of complainant got visa for England in 2006 and at that time the petitioner again demanded balance amount of Rs.5 lacs. The complainant paid him a sum of Rs.2,60,000/- in installments. At that time also, petitioner – accused got sanctioned a loan of Rs.3,60,000/- from ICICI bank in the name of son of complainant namely Kuldeep Singh in his capacity as employee of his company and in all he received a sum of Rs.13,53,000/- from the complainant side. The petitioner used to file criminal complaint under Negotiable Instruments Act against various persons using blank cheques but all those complaints were dismissed. Co-accused of the petitioner namely Shiminder Kaur had agreed with complainant promising to repay the entire amount in case they failed to bring visa for son of complainant for Canada. The petitioner along with his co-accused Angrej Singh had also admitted of their having played fraud upon the complainant. The accused was arrested in this case on 16.6.2017 and it transpired that his company Flying Agro Services Pvt. Ltd. was a unregistered concern and presently the

petitioner is in judicial custody.

The petitioner had moved an application for regular bail in the Court below but was unsuccessful there, as such, he had approached this Court with the same request, earlier, which was not accepted. He has brought a second application for regular bail.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the petitioner, learned State counsel assisted by learned counsel for the complainant besides going through the record.

Learned counsel for the petitioner had raised various pleas that allegations in the FIR are not believable as far as the transaction beginning in the year 2002 and going on till the date when the FIR was registered in the year 2017; that there is no proof of any payment having been made by complainant to the accused; that the innocence of the petitioner stood established in a preliminary inquiry conducted by the investigating agency; that as many as six different FIRs have been got registered against the petitioner to make him remain in jail, however, the petitioner has been ordered to be released on bail in several cases; that his further detention shall not serve any purpose, as such he be released on bail.

All these contentions were taken into consideration and then observing that the petitioner was involved in as many as 11 criminal cases, the gravity and seriousness of allegations against him, his first petition was dismissed. There is no change in the circumstances, which might have justified the filing of a petition for

regular bail again, only for the reason that it has been filed after about eight months of dismissal of the first application. With passage of time, there is no visible change in circumstances. No ground for grant of bail to the petitioner is made out. The petition stands dismissed.

7.5.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No